

03-CV-01415-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CORBIS CORPORATION, a Washington  
corporation,

Plaintiff,

vs.

AMAZON.COM, INC., a Delaware  
corporation, *et al.*,

Defendants.

NO. CV03-1415L

ORDER REGARDING MOTIONS  
TO EXCLUDE THE TESTIMONY  
OF EXPERT WITNESSES

This matter comes before the Court on the Motion to Exclude Expert Testimony of Peter H. Nickerson, Ph.D. (Dkt. # 167) and the Motion to Exclude Testimony of Mark A. Rustler (Dkt. # 169) filed by defendant Amazon.com, Inc. ("Amazon"). Dr. Nickerson and Mr. Rustler were listed as potential experts regarding the measure of actual damages suffered by Corbis in light of Amazon's alleged copyright infringement of Corbis images. After these two motions were filed, the parties filed numerous cross motions for summary judgment and partial summary judgment. In its Order Regarding Summary Judgment Motions (Dkt. # 242, the "Order"), this Court disposed of the majority of the claims asserted by Corbis against Amazon. The Order has, in turn, significantly changed the scope of the litigation and the amount of damages at issue. The trial date and all pretrial dates have been stricken (Dkt. # 240), and neither party has attempted to schedule a new trial date.

Given the procedural posture of this dispute, Amazon's motions (Dkt. #s 167 & 169) are

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1 DENIED. If necessary, Amazon may re-file its motions, taking into consideration the change in  
2 scope of the dispute, once trial and pretrial dates have been reset.

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4 DATED this 21<sup>st</sup> day of March, 2005.

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7 Robert S. Lasnik  
United States District Judge  
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